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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,786	03/26/2004	Tomohide Mori	325772035100	7138

7590 08/23/2005

Barry E. Bretschneider  
Morrison & Foerster LLP  
Suite 300  
1650 Tysons Boulevard  
MCLean, VA 22102

EXAMINER

VARGAS, DIXOMARA

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/809,786

Applicant(s)

MORI ET AL.

Examiner

Dixomara Vargas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application:  
4a) Of the above claim(s) 3 and 10-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,8 and 9 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/26/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Embodiment VIII in the reply filed on 08/11/05 is acknowledged.

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
4. The SUMMARY OF THE INVENTION from pages 4-14 is a verbatim copy of the claims. This does not meet the objectives of the summary in 37 CFR 1.73 which states that "A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, should precede the detailed description." A further elaboration of this is given in MPEP 608.01(d) which states "Since the purpose of the brief summary of invention is to apprise the public, and more especially those interested in the particular art to which the invention relates, of the nature of the invention, the summary should be directed to the specific invention being claimed. That is, the subject matter of the invention should be described in one or more clear, concise sentences or paragraphs." Claims are written in

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legal language to specify in broad terms the legal limitations of the invention, and are not intended to provide technical information to the public about the nature of the invention.

The first paragraph of 35 U.S.C. 112 states that "The specification shall contain a written description of the invention, and of the manner an process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains". The legal language utilized for claims to set the metes and bounds of the patent protection does not fulfill this requirement. In addition, 37 CFR 1.75 (d) sets up the criteria that the specification is a dictionary for the claims and should provide clear support or antecedent basis for all terms used in the claims. Since the SUMMARY OF THE INVENTION merely duplicates the claims, it is not providing support for the claims.

The second paragraph of 35 U.S.C. 112 states that "The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention". Since the claims are given at the end of the specification, it is redundant and superfluous to include them as part of the summary.

Since rules 37 CFR 1.73 and 37 CFR 1.75 clearly identify the SUMMARY OF THE INVENTION as a section which is separate and distinct from the CLAIMS and the other sections, the intended objective was not to provide an exact copy of the claims in the SUMMARY.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 4, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Chowdry et al. (US 6,605,399 B2).

With respect to claims 1, 8 and 9, Chowdry discloses a cleaning device for collecting toner on a surface of an image bearing body, comprising (Figure 8): a rotary member having electrical conductivity (#513 and #521) and being rotatively driven while being in contact with the surface of the image bearing body (belt not numbered); a conductive member which contacts with the image bearing body on an upstream side (#504) of the rotary member in a conveyance direction of the image bearing body (as seen on Figure 8); and a single of d.c. power supply to which either one of the rotary member and the conductive member is connected (motor M and power supply #552), the other being grounded (as seen on Figure 8 wherein #513 and #514 are grounded), and which serves for generating a d.c. current that flows via the image bearing body between the rotary member and the conductive member, whereby a first electric field in such a direction as to exert a force for adsorbing the toner of a normal charging polarity to the rotary member is generated between the rotary member and the image bearing body while a second electric field in a direction reverse to the first electric field is generated between the conductive member and the image bearing body (Column 17, lines 1-37).

7. With respect to claims 2 and 4, Chowdry discloses the rotary member (#513 and #521) is connected to the d.c. power supply and the conductive member is grounded wherein the power supply is a constant current (Figure 8 as discuss above).

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*Allowable Subject Matter*

8. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

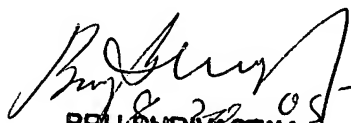
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dixomara Vargas whose telephone number is (571) 272-2252. The examiner can normally be reached on Monday to Thursday from 8:00 am. to 4:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dixomara Vargas  
Art Unit 2859  
August 19, 2005



BRIJ SHIVASTAV  
PRIMARY EXAMINER